

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

July 12, 2018

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Licensing and Education Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Chad Tengler, Real Estate Analyst
Elizabeth Harris, Assistant Attorney General
Amber Nielsen, Board Secretary
Van Kagie, Investigator
Mark Schaerrer, Investigator
Sarah Nicholson, Investigator
Chris Martindale, Investigator
Teresa Larsen, Investigator

COMMISSION MEMBERS PRESENT:

Cal Musselman, Vice Chair
Lerron Little, Commissioner
Marie McClelland, Commissioner

PUBLIC MEMBERS PRESENT:

Dan Naylor	Heather Swanger
Shane Norris	Jeremy Ayotte
Brent Cordon	Creighton Hart

The July 12, 2018 meeting of the Utah Real Estate Commission began at 9:01 a.m. with Vice Chair Musselman conducting. Chair Chapman and Commissioner Booth were both excused from today's meeting.

PLANNING AND ADMINISTRATIVE MATTERS

Administering of the Oath of Office

Director Stewart administered the Oath of Office to Vice Chair Musselman for his second term as a member of the Commission. Director Stewart also administered the Oath of Office to Marie McClelland as a member of the Commission.

The Election of Officers for the Upcoming Year was postponed until the next meeting.

There was not a quorum present to vote on the minutes from the June 20, 2018 meeting.

PUBLIC COMMENT

No public comment was made.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported on the upcoming Public Service Announcements. He reported he met with the public information officer. They will release spots around the Super Bowl and again in early May. If there are any changes, he will bring those to the Commission.

Director Stewart reported the Division is currently looking at legislation for the upcoming year. The Division does not currently have a sponsor. He asked that the Commission bring any issues on statute to the Division. There is currently nothing real estate related.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported month of June the Division received 30 complaints; opened 8 cases; closed 4 cases; leaving 377 open cases. There are 16 cases assigned to the AG's office.

Ms. Wright presented the following for consideration:

Stipulations for Review

Terry Rawstern & Prospector Square Management Company, LLC
Robert L. Wright

Mr. Barney presented the following for consideration:

Stipulation for Review

Heather Anderson

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported the licensing statistics show a growth by 7/10 of 1 percent. He reported there is typically growth in the spring and summer. The staff has been very busy.

Mr. Fagergren mentioned he will report next month on some recommendations for the real estate school administrative rules.

Mr. Fagergren reported on the meeting with Pearson VUE on June 27 and 28 to review the test. They will be meeting again briefly next week to finish up with new questions.

COMMISSION AND INDUSTRY ISSUES

Mr. Fagergren opened discussion on the RAP Back fingerprinting options. The Commission seems favorable to adopting the RAP Back requirement for new licensees. Director Stewart will look at what rule or statutory changes will be required for adoption and will report back at the meeting next month.

Mr. Barney reported the rule changes which were approved by the Commission for filing were filed for public comment. The Public Comment period is now open through August 13th. No public comment has been received yet. The rule could be made effective August 21.

Vice Chair Musselman invited Commissioner McClelland to introduce herself. Commissioner McClelland moved from Michigan 25 years ago, and currently resides in Park City. She manages a First American Title Company branch.

A brief recess was held from 9:51 a.m. until 10:04 a.m.

The meeting resumed at 10:04 a.m. for the Informal Hearing in the Matter of the Application of Jeremy Lee Ayotte to Act as a Sales Agent with Vice Chair Musselman presiding.

INFORMAL HEARING

10:04 a.m. Jeremy Lee Ayotte – Applicant/Respondent
 Chad Tengler, Counsel for Division
 Brent Corden, Witness for Applicant

The hearing for Mr. Ayotte concluded at 10:55 a.m.

A brief recess was held from 10:56 a.m. until 11:04 a.m.

The meeting resumed at 11:04 a.m. for the Informal Hearing in the Matter of the Application of Creighton Hart to Act as a Sales Agent with Vice Chair Musselman presiding.

INFORMAL HEARING

11:04 a.m. Jeremy Lee Ayotte – Applicant/Respondent
 Chad Tengler, Counsel for Division

The hearing for Mr. Ayotte concluded at 11:48 a.m.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner McClelland, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 11:49 a.m. to 12:22 p.m.

OPEN TO PUBLIC

Results of Executive Session

Terry Rawstern & Prospector Square Management Company, LLC – Approved with Division Concurrence

Robert L. Wright – Approved with Division Concurrence

Heather Anderson – Approved with Division Concurrence

Mr. Ayotte and Mr. Hart will be notified by mail of the Commission's decision.

A motion was made and seconded to adjourn the meeting. Vote: Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner McClelland, yes. The motion was approved. The meeting adjourned at 12:23 p.m.